

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

BANK OF THE OZARKS,

Case No.: 1:18-cv-11870-TLL-PTM

Plaintiff,

Hon. Thomas L. Ludington
Magistrate Judge Patricia T. Morris

v.

PERFECT HEALTH SKIN
AND BODY CENTER PLLC, and
THEODORE BASH, an individual,

Defendants.

ORDER GRANTING IN PART DEFENDANT’S MOTION FOR RECONSIDERATION

Before the Court is Defendant Bash’s motion for reconsideration of the Court’s order denying his motion for summary judgment in part. ECF No. 60. A full factual and procedural history can be found in that order.

I.

Pursuant to Eastern District of Michigan Local Rule 7.1(h), a party can file a motion for reconsideration of a previous order but must do so within fourteen days. A motion for reconsideration will be granted if the moving party shows: “(1) a palpable defect, (2) the defect misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case.” *Michigan Dept. of Treasury v. Michalec*, 181 F. Supp. 2d 731, 733-34 (E.D. Mich. 2002) (quoting E.D. Mich. LR 7.1(g)(3)). A “palpable defect” is “obvious, clear, unmistakable, manifest, or plain.” *Id.* at 734 (citing *Marketing Displays, Inc. v. Traffix Devices, Inc.*, 971 F. Supp. 2d 262, 278 (E.D. Mich. 1997)). “[T]he Court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the Court, either

expressly or by reasonable implication.” E.D. Mich. L.R. 7.1(h)(3). *See also Bowens v. Terris*, 2015 WL 3441531, at *1 (E.D. Mich. May 28, 2015).

II.

Defendant argues that reconsideration is warranted because the Court ruled on his motion before he had a chance to file his reply brief. Indeed, the Court ruled on the motion on May 24, and Defendant’s reply brief was not due until May 28. Defendant will be permitted to file a reply brief.

III.

Accordingly, it is **ORDERED** that Defendant’s motion for reconsideration, ECF No. 61, is **GRANTED** in part.

It is further **ORDERED** that Defendant’s reply brief is due on May 31, 2019.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 28, 2019